

REMARKS

The rejections under 35 USC 112, second paragraph, are attended to above by editing that does not narrow any of the claims so as to invoke Festo-like limitations even though, in some instances, in response to a statutory objection.

The rejection of independent claim 1 under 35 USC 103 for obviousness from the Bannink, Jr., et al., Andrivet, '402 Covey and '771 Covey patents raises a suspicion of hindsight reconstruction of the claimed combination from the number of references supposed to do so. Even all these references, however, do not.

The Action finds that the Bannink, Jr., et al. patent includes a metallic countersunk washer and, in this, has been misled by Fig. 1, which is misdrawn. As specified at column 3, lines 6-7, of the patent "the counterbore [is] filled with a potting compound or resin 26." Moreover, 26 is a filling and not a countersunk washer, as claimed. This distinction is confirmed by Figs. 2 and following, which clearly show their countersunk washers 42 to be plastic or the like, as confirmed at column 3, lines 18-21:

Turning now to FIG. 2, it will be noted that a dielectric (e.g., glass fiber) insulation layer in the form of insert 42 is utilized between metal (e.g., titanium) fastener 32 and graphite epoxy laminate 10

The Action admits that the Bannink, Jr., et al. patent does not disclose a first dielectric layer ("... graphite epoxy tape or fabric ply 24 ..." (column 2, line 61) or "Dielectric plastic strip member 52 ..." (column 3, line 43)) in the form of a thick metallic mesh, but the claimed metallic meshes are not said to be dielectric, as in the patent, but to "... improve current dispersion," which implies conductivity. See the last line of page 5 of the specification, for example.

The Action also misses in the Bannink, Jr., et al. patent the 50 mm distance of mesh fastener overlap or, as now in a dependent claim, 200 mm fastener spacings. As these are conductivity related, the patent teaches away from them, too, with its dielectric disclosure.

**PRIOR ART MUST BE CONSIDERED IN ITS ENTIRETY,
INCLUDING DISCLOSURES THAT TEACH AWAY
FROM THE CLAIMS MPEP 2141.02VI** (emphasis original)

Therefore, but without citing the motivation necessary (see, In re Rouffet, 47 USPQ2d 1453 (Fed. Cir. 1998) to do so, the Action combines the Andrivet patent for disclosure in column 3, of thick (230 g/m² see col. 3, line 63) mesh 20 under thin (80 g/m² see col. 3, line 19) mesh 5. While this may have related to the inadvertent error in claim 1 already noted in the Action under 35 USC 112, it does not relate to the disclosure of the application nor present claim 1. Moreover, these meshes are separated by film of adhesive or resin 21 (col 3, line 64), whereas the meshes of claim 5 and now claim 1, too, are "on" each other.

To this, the Action adds the Covey patents for dimensional disclosures which, since not in the combination claimed that is not in the combination of the other references, cannot complete the rejection. The combination of references does not reconstruct the claims or make them obvious.

Individually, the Bannink, Jr., et al. patent, which is considered on page 9 of the application (via WO 8401487) discloses a complete protecting layer composed of a metal and graphite epoxi outer ply member 101 and dielectric layer 105 that covers the whole structure. The claimed invention has meshes that do not cover the fasteners.

As already noted, the mesh strips of the Andrivet patent are separated by resin and no function disclosed or suggested teaches toward the claimed invention.

The '402 covey patent does not disclose metallic meshes but, instead, a dielectric layer 30 and a metal impregnated graphite cloth 32 covering the fastener heads.

The '771 Covey patent disclosure has no relation to the claimed feature of a metallic countersunk washer 3 every 200 mm. The meaning of this feature, moreover, is that it is not necessary to provide the washer for every fastener, i.e., a reduction in washers 3, which reduction is not taught by the patent, either.

Reconsideration and allowance are, therefore, requested.

Respectfully submitted,

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